

In re Application of: Hanan KEREN et al
Serial No.: 10/556,483
Filed: November 14, 2005
Office Action Mailing Date: June 22, 2010

Examiner: MALLARI Patricia C.
Group Art Unit: 3735
Attorney Docket: 30811
Confirmation No. 3797

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 75, 77-105, 107-117 and 119-148 are in this Application. Claims 78, 85-87, 108 and 117-145 have been withdrawn from consideration. Claims 75-77, 79-84, 88-107 and 109-116 have been rejected. Claims 1-74, 76, 106 and 118 have been canceled in a previous response. Claims 82, 112 and 124 have been canceled herewith. Claims 75, 83-86, 105, 108, 109, 113-117, 125-129 have been amended herewith. New claims 146 and 147 have been added herewith.

35 U.S.C. § 112 Rejections

Claims 75, 77-84, 88-104, 115 and 116 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 75, the Examiner states that the term "a mixed radiofrequency signal radiofrequency sum and a radiofrequency difference" is unclear. Claim 75 has been amended to recite "a mixed radiofrequency signal having a radiofrequency sum and a radiofrequency difference" as suggested by the Examiner, thereby overcoming the rejection.

Regarding claims 79, 82, 103, 104, 115 and 116, the Examiner states that "said remaining portion" lacks antecedent basis.

The following amendments were made in the claims in this regard.

Claim 75 now includes the terms "a portion" and "a remaining portion." It is submitted that the skilled person would not confuse between these terms, wherein the former is filtered out and the latter remains after the filtration. Thus, there is a sufficient antecedent basis for the term "said remaining portion" in claims 79, 103 and 104 which depends directly from claim 75.

Claim 82 canceled.

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In claims 115 and 116, the term "said remaining portion" has been replaced with "a remaining portion."

The above amendments are purely cosmetic and do no more than to make explicit what was already implicit in the claim. In light of these amendments, Applicants respectfully request withdrawal of the 112 rejections.

Allowable Subject Matter

Claims 81, 82-84, 97-100 and 111-114 were deemed to recite allowable subject matter.

Claims 75 and 105 have been amended to include the features found of claims 82 and 112, respectively, and are therefore submitted to be allowable.

New claim 146 includes all the features of claims 75, 96 and 98 as previously presented to the PTO, and is therefore submitted to be allowable.

New claim 147 is directed to apparatus for determining blood flow in an organ. The apparatus include all the features of claim 105 as previously presented to the PTO as well as the allowable subject matter found in claim 82, now canceled. No new matter was added. It is submitted that new claim 147 recites allowable subject matter and the Examiner is kindly requested to allow the same.

35 U.S.C. § 102 and § 103 Rejections

Claims 75, 77, 79, 80, 88-96, 101, 102, 105, 107, 109 and 110 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ruben *et al.*, and claims 103, 104, 115 and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruben in view of Widrow.

In view of the amendment to independent claims 75 and 105, this rejection is now moot. Specifically, claims 75 and 105 recite allowable subject matter, and claims 77, 79, 80, 88-96, 101, 102, 107, 109 and 110 all depend from claims 75 and 105, and are therefore submitted to be allowable together with these claims.

Applicants are not conceding that the claims on file prior to this amendment were not patentable over the prior art. Rather, Applicants have amended the claims

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solely for the sake of expediting issuance of a patent on the subject matter that the Examiner found to be allowable. Applicants reserve the right to prosecute the subject matter of canceled claims, as well as other claims based on the specification as filed, in one or more continuing and/or divisional applications.

Examination of Generic and Non-Elected Claims

In view of the amendments made to the claims and the arguments recited herein it is believed that the claims are allowable with respect to the elected species and hence examination of claims 75 and 105 in their generic context and with respect to all the species recited therein, as well as examination of claims 78, 85-87 and 108 is respectfully requested.

Rejoinder

It is noted that claim 117 includes all the allowable features of claim 75. A rejoinder of claim 117 and its dependent claims 119-123 and 125-145 in accordance with 37 CFR 1.104 is respectfully requested once claim 75 is allowed.

In view of the above amendments and remarks it is respectfully submitted that the claims are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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Enclosure:

- Additional Claims Transmittal Fee